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20720-95585

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Eugenio A. Cefali
Application No. : 08/962,027 Confirmation No. :
Filed : October 31, 1997
For : INTERMEDIATE RELEASE NICOTINIC ACID
COMPOSITIONS FOR TREATING HYPERLIPIDEMIA
Group : 1615 **RECEIVED**
Examiner : Robert M. Joynes **JAN 16 2003**

Hon. Commissioner for Patents
P.O. Box 2327
Arlington, Virginia 22202

OFFICE OF PETITIONS

PETITION FOR WITHDRAWAL FROM ISSUE
PURSUANT TO 37 C.F.R. § 1.313(c)(2)

Sir:

Pursuant to 37 C.F.R. § 1.313(c)(2), applicant hereby petitions to withdraw the above-identified patent application from issue. Applicant requests that the application be withdrawn from issue in order to permit: (1) consideration of a Request for Continued Examination ("RCE") of this application under 37 C.F.R. § 1.114 (filed concurrently herewith) and (2) consideration in the RCE of the Request to Correct Inventorship of this application under 37 C.F.R. § 1.48 (filed concurrently herewith).

This Rule 313(c)(2) Petition is being filed in the above-identified application concurrently with a Petition To Withdraw Holding of Abandonment Pursuant to 37 C.F.R. § 1.181(a) or, in the alternative, to Revive Unintentionally Abandoned Application Pursuant To 37 C.F.R. § 1.137(b) for failure to reply to the March 2, 2001 Notice of Allowance and accompanying Notice of Allowability by paying the issue fee and submitting corrected formal drawings. The Rule 181(a)/137(b) Petition is accompanied by that reply, which includes submission of the issue fee. As a result of that submission, applicant hereby requests withdrawal of the above-identified application from issue under Rule 313(c)(2), once the application is revived.

Pursuant to 37 C.F.R. § 1.313(c)(2), this Petition is filed concurrently with:

1) A Request for Continued Examination ("RCE") of this application under 37 C.F.R. § 1.114.

In the accompanying Transmittal Letter (filed in duplicate herewith), the Director is authorized to charge payment of \$750.00, in payment of the filing fee set forth in 37 C.F.R. § 1.17(e) for the RCE; \$130.00, in payment of the fee set forth in 37 C.F.R. § 1.17(h) for consideration of this Petition, and any additional fee required in connection with

this Petition, or any of the papers filed herewith, or to credit any overpayment of same, to Deposit Account No. 50-2543 (Kos).

Accordingly, applicant requests that following grant of applicant's concurrently-filed Rule 181(a)/137(b) Petition, this Rule 313(c)(2) Petition be granted and the above-identified application be withdrawn from issue in favor of the Request for Continued Examination (filed concurrently herewith), in order to reopen prosecution and allow consideration of the Request to Correct Inventorship (filed concurrently herewith).

Respectfully submitted,

Date: 1/15/03



Karen J. Messick (Reg. No. 46,256)
Attorney for Applicant
c/o Kos Pharmaceuticals, Inc.
1001 Brickell Bay Drive
25th Floor
Miami, Florida 33131
Tel.: (305) 523-3643